



AURA-O Administrative Procedure for Implementing the Article 20 Process

Purpose: Article 20 of the Reglamento Interno de Orden, Higiene y Seguridad (Reglamento Interno) establishes the steps that must be followed to address unsatisfactory employee behavior, such as identified in Article 160 of the Código del Trabajo (Código) –Chilean Labor Code. The following describes the internal AURA *implementation* procedures that are to be used to meet the requirements of Article 20. These matters require close and systematic coordination between the Program Unit supervising the employee, the AOSS Human Resources department, and the AURA-O Head.

Principle: The purpose of Article 20 is to facilitate the termination of unacceptable employee *behaviors*. The overriding management objective is to terminate the rogue behavior, not the employee's employment. The approach is to first encourage and guide the employee to improve, adjust, or otherwise change the behavior to those that are acceptable and meet the performance standards. Only as a last resort, where the employee is unwilling or unable to make the necessary behavioral changes in a timely and continuing way, will management move to terminate the employee's employment with AURA.

Reglamento Interno Article 20	Program Unit	AOSS HR	AURA-O/AOSS Senior Management
<p>a) Private Discussions with the worker.</p> <p>Normally the supervisor should hold no more than three verbal discussions on the same problem.</p>	<p>The employee's supervisor shall conduct these discussions at his/her discretion.</p> <p>The supervisor must make a brief written record of each discussion, including the name of the employee, the date of the discussion, the nature of the problem(s) discussed, and any other pertinent information.</p> <p>This record is held by the supervisor only, it does not go to the employee's personnel file. This record will be required if further actions are necessary.</p>	<p>No notification or action required.</p>	<p>No notification or action required.</p>

<p>b) Disciplinary Meeting</p> <p>If the Private Discussions with the immediate supervisor do not produce the desired changes the supervisor can:</p> <ol style="list-style-type: none"> 1. Schedule a meeting with the employee, the employee's supervisor, and the employee's next-level supervisor. 2. The employee must be advised that this meeting is directed to a specific problem. 3. The worker must have an opportunity to explain the reason for his or her performance, before a Written Warning is issued. 	<p>If the Program Unit Authorizing Official approves the employee's supervisor request to seek a Disciplinary Meeting, the supervisor then will:</p> <ol style="list-style-type: none"> 1. Notify the AOSS-HR and the AOSS Manager of the desire to hold the meeting. 2. Meet with the AOSS-HR Manager to brief him/her on the issues. 3. Provide the AOSS-HR Manager with the written records of the Private Discussions. 4. Make a written record of the notice and briefing, with the date, employee name, the problem(s), and documents given to AOSS-HR. 5. Schedule the meeting with written notice to the employee, the supervisor, and the next-level supervisor, stating the specific problem(s) involved. 6. Conduct the meeting with the employee, the supervisor, and the next-level supervisor, and provide the employee the opportunity to explain the problem behavior. 7. Make a written record of the meeting, with the date, employee name and nature of the problem(s). This record must be signed by both the supervisor and the next-level supervisor. 8. A copy of this record 	<p>Upon notice from the supervisor, the AOSS-HR Manager will schedule a meeting with the supervisor to discuss the employee's problem(s) and brief the supervisor on the requirements and spirit of Article 20 and the relevant AURA procedures.</p> <p>The AOSS-HR Manager will receive and retain the records of the Private Discussions from the supervisor.</p> <p>The AOSS-HR Manager will notify the AOSS Manager of the Disciplinary Meeting and provide such information as may be requested.</p>	<p>The AOSS Manager will receive and retain the notices from the AOSS-HR Manager <i>and</i> the incumbent employee's supervisor.</p> <p>The AOSS Manager will proactively pursue tardy reports.</p>
--	--	---	---

	must be sent to the AOSS-HR Manager within two working days of the meeting.		
--	---	--	--

<p>c) Written Warning</p> <p>If the Disciplinary Meeting has not produced the desired results, the immediate supervisor must give the employee a Written Warning.</p> <p>It must establish a reasonable, specific Trial Period within which the performance must improve adequately.</p> <p>The Trail Period is not subject to extensions.</p> <p>The employee has the opportunity to write answers or comments at the end of the Written Warning.</p> <p>The employee should sign the Written Warning indicating understanding of the problem and the expectations for solving it.</p> <p>If the employee does not sign, the supervisor must write a confirming note.</p> <p>A copy of the Written Warning and a record of the previous conversations must be sent to the Personnel Office.</p>	<p>The supervisor must notify the Program Unit Authorizing Official and the AOSS-HR Manager, in writing, of the intention to give the Written Warning, and send copies of the notice to the AOSS Manager and the AURA-O Head.</p> <p>The supervisor will prepare a draft Written Warning.</p> <p>The supervisor will meet with the AOSS-HR Manager to review procedures and the draft Written Warning for content and tone, and prepare a Spanish version.</p> <p>When cleared by the AOSS-HR Manager, the supervisor will meet with the employee and deliver the final Spanish form of the Written Warning.</p> <p>The employee is to add any comments to the Written Warning and sign and date it, thus acknowledging receipt (only) of the Written Warning</p> <p>The supervisor will send a copy of the signed Written Warning and copies of all other relevant documentation not previously provided, to the AOSS-HR Manager and AOSS Manager within two working days.</p>	<p>The AOSS-HR Manager and the AOSS Manager will meet with the supervisor, review the Written Warning for content and tone and its Spanish version and review the procedures for the Written Warning with the supervisor.</p> <p>The AOSS Manager will make a brief written record of the meeting with the supervisor, including the date, employee, and problem(s) involved.</p> <p>The AOSS-HR Manager will begin a tracking check list of required procedures and documentation to ensure that all the legally required steps and material are being produced and processed.</p> <p>Upon receipt of the signed copy of the Written Warning, the AOSS-HR Manager will send a copy of the Written Warning to the:</p> <ol style="list-style-type: none"> 1. AOSS Manager, and the 2. AURA-O Head <p>within two working days, together with any other documentation as may be requested.</p>	<p>The AOSS Manager will participate in the review of the draft Written Notice with the employee's supervisor and the AOSS-HR Manager.</p> <p>The AOSS Manager will receive and retain copies of the signed Written Warning from both the AOSS-HR Manager and the employee's supervisor.</p> <p>The AOSS Manager will proactively pursue tardy reports.</p> <p>The AOSS Manager will inform the AURA-O Head of the impending action and make a record with the date and employee name.</p> <p>Upon receipt of the signed Written Warning, the AOSS Manager will consult with the AOSS Head, and then send a copy of the signed Written Warning to the Inspección del Trabajo within five working days.</p>
---	--	--	--

<p>d) Final Evaluation</p> <p>At the conclusion of Trial Period the supervisor prepares a Final Evaluation to determine if the employee's performance has improved satisfactorily.</p> <p>If the Final Evaluation has a negative result, then AURA Management will proceed to terminate the individual work contract.</p>	<p>The supervisor does a Final Evaluation using a standard AURA form provided for this purpose.</p> <p>If the result of the Final Evaluation is that the employee has not shown sufficient improvement in performance or behavior, the supervisor will recommend contract termination to the Program Unit's Appropriate Authorizing Official.</p> <p>The employee's supervisor will send a copy of the Final evaluation to both the AOSS-HR Manager and the AOSS Manager.</p> <p>After review, the Program Unit Authorizing Official will contact the AOSS-HR Manager in writing and confirm the Program Unit's desire to terminate the work contract, with a copy to the AURA Head, the AOSS Manager, and the employee's supervisor.</p>	<p>Upon receipt of both the Final Evaluation from the supervisor, and the request for termination of the labor contract from the Program Unit Authorizing Official, the AOSS-HR Manager will review the file, ensure that all the necessary steps have been completed and documents received.</p> <p>The AOSS-HR Manager will forward a copy of the file to the AOSS Manager for review.</p> <p>The AOSS-HR Manager will make a written record of the recommendation from the Program Unit Authorizing Official, and the forwarding of the file to the AOSS Manager, with the date of each.</p>	<p>Upon receipt of the copy of the Final Evaluation from the supervisor and the AOSS-HR Manager, the documentation file from the AOSS-HR Manager, and the Program Unit Authorizing Official's recommendation, the AOSS Manager will review the documents and make a recommendation to the AURA-O Head.</p> <p>The AOSS Manager will proactively pursue tardy reports.</p> <p>The AURA-O Head will receive copies of the Written Warning and documents from both the AOSS-HR Manager and the AOSS Manager.</p> <p>The AURA-O Head will review the documents and recommendation and take the appropriate actions.</p>
--	---	---	---